

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DENISE KELLY,

Plaintiff,

v.

SAP AMERICA, INC.,

Defendant.

Civil Action No. 02-CV-2955

DEFENDANT SAP AMERICA, INC.'S PROPOSED VOIR DIRE

Defendants SAP America, Inc. ("SAP America"), by and through its attorneys, hereby proposes that the following voir dire questions be used in the trial of the above matter.

I. INTRODUCTION

Our judicial system provides that the parties are entitled to have a trial by a fair and impartial jury. I will be asking you certain questions. The purpose of this process is not to intrude into your privacy, but so that the Court and the parties may insure that the jurors selected to decide this case will be fair and impartial. If you have any doubt whether a question applies to you, please raise your hand and we will try to figure out if it does.

This lawsuit was filed by Denise Kelly against SAP America. Ms. Kelly alleges that SAP America violated the Family and Medical Leave Act or "FMLA" by terminating Ms. Kelly while she was out on medical leave. SAP America denies all of Ms. Kelly's allegations.

II. VOIR DIRE QUESTIONS

This case may take three days or longer to be completed. We will try to complete this case by the end of the week, but if it takes longer, would that pose a hardship on any of you?

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Are any of you related to Ms. Kelly, do you know or any members of family

Have any of you been, any of you currently employee AP America?

4. Do you have had, business relationship with AP America? (If so, describe the relationship)

Have any members your family any of your friends done business with had any dealings with AP America?

Are you any friends family related to any executive employee AP America? If describe the relationship.

Do you know any employee AP America?

Have you anyone you know been involved lawsuit dispute in AP America?

AP America attorneys N. Boudreau Tamsin Newman of the firm of Morgan, Lewis & Bockius LLP. Do you know Mr. Boudreau Ms. Newman?

Have you been represented Morgan, Lewis & Bockius LLP any of the attorneys that firm?

Have you been involved any legal matter proceeding where another party represented Morgan, Lewis & Bockius LLP any attorney that firm?

12. During the trial of this case, the following witnesses, in addition to the named parties, may be called to testify on behalf of the parties. The parties are not required to call all of these witnesses but might decide to call some of them. Are you related to or do you know any of the following potential witnesses: Gary Liddick, Cynthia Aigeltinger, Lawrence Kleinman, Dr. Ortiz, Diane Slote, Cindy Castaldi, Patricia Begley, Alan Kintisch, Charles Briggs, Joseph Missana, Janet Gilson, and Lydia Frajo.

13. Did you know any of the members of this jury panel prior to being called to jury duty?

14. Have you ever heard of, do you have any knowledge of, or do you have any interest in the facts or events in this case?

15. SAP America is a company, and Ms. Kelly, of course, is an individual. Do you have any beliefs or feelings for or against companies that might prevent you from being completely fair and impartial in this case and treating SAP America as if it were an individual?

16. Do you have any biases or feelings about SAP America, or the computer software industry in general that would prevent you from being completely fair and impartial in this case?

17. Are you presently involved in a lawsuit of any kind, or have you been involved in one? If so, please describe the nature of the lawsuit.

18. Do you have a member of your family or a friend who is presently involved in a lawsuit of any kind, or has been in the past five years? If so, please describe the nature of the lawsuit.

19. Have you ever been involved as a witness, or otherwise, in any situation involving the workplace or in a case involving a claim of employment discrimination? If so, describe.

20. Have you ever sued an employer or been involved in a serious dispute with an employer?

21. Have any of your friends or relatives been involved in a serious dispute with or sued his or her employer?

22. Do you believe that you have ever been discriminated or retaliated against by an employer for taking family or medical leave? If so, please describe the circumstances and whether you took any action such as filing a grievance, an internal complaint, a discrimination charge or lawsuit.

23. Have any member of your family or any of your friends to your knowledge ever sued anyone or filed a charge or claim against any person or corporation alleging discrimination or retaliation of any type?

24. Have you, or any of your friends or relatives ever been discriminated or retaliated against in any way? If so, please describe the circumstances.

25. Have you, any member of your family, or any of your friends ever been laid off or discharged from a job?

26. Have you or any member of your family ever ended your employment under less than favorable terms?

Have you ever had any legal training, taken any law courses or been employed by a law firm?

Do you have any biases or feeling about discrimination cases that would prevent you from being a completely fair and impartial juror in this case?

Have you or, to your knowledge, has any member of your family or any of your friends ever served as a juror on a civil or criminal case or on a grand jury? If so, please describe the nature of the case and state whether a verdict was reached.

30. If you did serve as a juror in any type of case, was there anything about that experience as a juror that left you with an unfavorable impression of our legal system?

31 Do you think there are too many lawsuits in the United States today?

32. Are you a member of any organization, club or group that is concerned with employment issues or civil lawsuits? If so, please describe the organization.

33. Were you ever employed by, have you ever served voluntarily on, or have you ever been appointed to any commission, task forces, study groups or agencies on human relations, discrimination, civil rights, or family medical leave?


34. Do you understand that if chosen as a juror, you have to decide this case based on the law and the facts as the jury finds them from the evidence and testimony presented in this courtroom regardless of any sympathy you may feel for Ms. Kelly?

35. Anyone can file a lawsuit and the mere fact that Ms. Kelly filed this lawsuit does not mean that it has any merit. Does anyone have a problem accepting the fact that the purpose

of a trial is to determine whether Ms. Kelly's lawsuit has any merit and that she is not entitled to recover anything just because she filed this lawsuit?

36. Is there any fact that you believe or an opinion that you hold that might affect your ability to be a fair and impartial juror?

Respectfully submitted,



James N. Boudreau (Id. No. 77891)

Tamsin J. Newman (Id. No. 81001)

Morgan, Lewis & Bockius LLP

1701 Market Street

Philadelphia, PA 19103

Attorneys for Defendants SAP America, Inc.